Menasha

Memorandum

TO: Plan Commission
From: Greg Keil, CDD GK
Date: March 3, 2016
RE: Denial of Special Use Permit for Parcel #7-00012-00 (2035 Manitowoc Road)

On December 22, 2015 the Plan Commission took action to recommend to the Common Council that the Special Use Permit for the above referenced property be denied. The Common Council approved the denial of the Special Use Permit at its January 4, 2016 meeting. Since that time the applicant, Daniel Gueths and his legal counsel requested that a reason(s) be stated as to why the Special Use Permit was denied. While such reasoning was discussed it was not included in the motion to recommend denial of the Special Use Permit, nor did the Common Council action specify a reason(s) for the denial.

In conferring with the City Attorney it appears that there should have been findings or other rationale presented as part of the Plan Commissions recommendation to deny the permit. At this juncture it is the recommendation of the Community Development Department Staff and City Attorney that the Plan Commission make findings in support of its action and that those findings be presented to the Common Council for its consideration and endorsement. Issues that were articulated pertaining to the proposed Special Use Permit included the following:

- That expanding the commercial use of the property conflicts with the predominant residential property use in the vicinity of the site.
- That the site plan that accompanied the Special Use Permit Application did not comprehensively address conditions on the site that are deemed to have a detrimental effect on the property including: the deteriorating condition of the building and paving, the continuance of outdoor storage on the premises, the presence of dead trees and otherwise unkempt vegetation on the south side of the property.
- That granting the Special Use Permit would perpetuate a use deemed to be deleterious to the neighborhood.

It is my recommendation that the Plan Commission create a motion that includes the above referenced and/or other rationale supporting the Plan Commission's basis for recommending denial of the Special Use Permit, and that such recommendation be forwarded to the Common Council for its consideration.